

RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
October 17, 2007

PRESENT: Mayor Reed, Vice Mayor Cortese and Councilmembers Constant and Chirco

ABSENT:

STAFF: City Attorney Rick Doyle, City Clerk Lee Price, City Manager Debra Figone, Redevelopment Agency Assistant Director Gary Miskimon, Deputy City Manager Deanna Santana, Agenda Manager Nadine Nader, and Mayor Council Agenda Manager Alicia Bosco.

A. City Council

1. Review October 23, 2007 Final Agenda

a. Discussion and action on an urgency ordinance regarding municipal code 17.12.445 (Additional safety requirements for multi-story and other building presenting unique firefighting challenges)

Documents Filed: (1) Memorandum from Vice Mayor Cortese dated October 12, 2007 recommend the City Council adopt an urgency ordinance regarding additional safety requirements for multi-story and other buildings presenting unique firefighting challenges. (2) Article from the Examiner dated October 4, 2007 regarding new fire codes. (3) Letter dated October 12, 2007 from Barry Swenson Builder regarding the Tamien Place Project and a request for the adoption of an urgency ordinance making changes to the existing firefighter breathing air replenishment system ordinance.

Discussion: Fire Chief Darryl Von Raesfeld and Fire Marshall Dave Schoonover summarized the current Municipal Code requirements that relate to air rescue replenishment systems in certain high-rise buildings. Committee questions followed.

Public Comment: Ron Coté, Vice President of Construction - Barry Swenson Builder, summarized concerns expressed in his letter, including a concern that the Code requires that the developer install a proprietary system. He also referenced an alternative system proposed, but rejected by the Fire Marshall.

Committee discussion followed. The Committee requested that the City Attorney provide guidance about whether the construction of a breathing air replenishment system in compliance with the City's ordinance would result in infringement of the patent claimed by Rescue Air, Inc., if the system were not licensed or built by Rescue Air, Inc.

Action: The Committee agreed to have this item return in two weeks with further research from the City Attorney's Office.

Action: The Committee approved the following changes and additions to the October 23, 2007 Final Agenda:

- Item 4.2 (Approval of budget actions related to the sale of City-owned property located on Corte De Rosa and Camden Avenue) was dropped.
- Item 5.3 (Acceptance of the report on the public hearing conducted by the San Jose Parks and Recreation Commission regarding a proposed smoking ban in public parks) is to be heard immediately following the consent calendar.
- Presentation of a commendation to Xilinx, INC. (Mayor/Chirco)
- Presentation of a commendation to Comedy Sportz. (Mayor/Liccardo)
- Presentation of a proclamation declaring October as Domestic Violence Awareness Month. (Williams/Campos)
- Approval to designate Councilmember Chu as a voting delegate for the National League of Cities Meeting on November 17, 2007.
- Acceptance of the 2006-2007 Annual Report Supplemental Action.

2. Review of October 30, 2007 Draft Agenda

Action: The Committee approved the following additions to the October 30, 2007 Draft Agenda:

- Request for excused absence for Councilmember Nguyen.
- Discussion and Approval of San Jose's Green Vision.
- Verbal Update of Legislative Priorities by Senator Elaine Alquist.
- Item 3.3 (Approval of actions related to the use of the City Hall and Employee Garage Retail Spaces) will have a supplemental memo on language change.

B. Redevelopment Agency

1. Review October 23, 2007 Final Agenda

Action: The Committee approved the October 23, 2007 final agenda.

2. Review October 30, 2007 Draft Agenda

Action: The Committee approved the recommendation to cancel the October 30, 2007 Redevelopment Agency meeting as there were no items for this agenda.

3. Assign "Time Certain" for convening Redevelopment Agency Agenda

C. Legislative Update

- 1. State**
None.
- 2. Federal**
None.

D. Meeting Schedules

None.

E. The Public Record

Document Filed: Memorandum from Lee Price, City Clerk dated October 12, 2007 transmitting the Public Record for the week of October 4-11, 2007.

The Committee referenced the letter from Norman Y. Mineta and acknowledged Lake Cunningham's 25th Anniversary and the dedication of the community that brought this project to life.

Action: The Committee noted and filed the Public Record.

F. Appointments to Boards, Commissions and Committees

- 1. Re-Appointment to the Small Business Advisory Commission and Human Rights Commission.**

Documents Filed: (1) Memorandum from Councilmember Nguyen dated October 3, 2007 recommending Joseph Rodriguez to be re-appointed to the Small Business Development Commission for a term ending December 31, 2010. (2) Memorandum from Councilmember Chu recommending John Marienthal to be re-appointed to the Human Rights Commission to a term ending December 31, 2010.

Action: The Committee approved the recommended re-appointments to the Small Business Development Commission and Human Rights Commission.

G. Rules Committee Reviews, Recommendations and Approvals

- 1. Recommend staff to utilize the Public Art Core Process for Artist Selection and Design Review to explore a Public Safety Memorial for the Plaza of City Hall.**

DEFERRED FROM SEPTEMBER 26, 2007, OCTOBER 3, 2007 AND OCTOBER 17, 2007.

Action: The Committee deferred this item to October 24, 2007.

- H. Review of additions to Council Committee Agendas**
- 1. Community and Economic Development Committee**
 - 2. Neighborhood Services and Education Committee**
 - 3. Transportation and Environment Committee**
 - 4. Request for Transportation and Environment Committee Workplan**
None.
- I. Open Government Initiatives**
- 1. Reed Reforms**
 - 2. Sunshine Reform Task Force**
 - **Review of remaining provisions of Sunshine Reform Task Force Phase 1 Report and Recommendations.****RECOMMEND DEFERRAL TO OCTOBER 24, 2007**

Action: The Committee deferred this item to October 24, 2007.
 - 3. Significant Public Records Act Requests**
 - 4. Council Policy Manual Update**
None.
- J. Open Forum**
None.
- K. Adjournment**
The meeting was adjourned at 3:04 p.m.

Chuck Reed, Mayor
Rules and Open Government Committee